

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 110 of 1982

in

SPECIAL CIVIL APPLICATION No 604 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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CHANDERBHAN MULCHAND BHATIA

Versus

THE STATE OF GUJARAT  
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Appearance:

M/S NJ MEHTA ASSO. for Appellant  
MR PV HATHI for Respondent No. 1 & 3  
NOTICE SERVED for Respondent No. 2  
M/S A & D for Respondent No. 4  
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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE C.K.BUCH

Date of decision: 03/11/98

ORAL JUDGEMENT [ PER : B.C.PATEL, J ]

Appellant, being aggrieved by the order passed by the learned Single Judge in Spl. Civil Application No. 604/80, has preferred this LPA. The appellant joined as Junior Inspector of Factories on 20.12.1972. As stated by the appellant, Rules provide for appointments made from two channels i.e. direct selection and promotion

from the post of Inspector of Notified Factories in the ratio of 2 : 1 i.e. two by direct selection and one from the department by promotion. The learned Single Judge, after considering several decisions, in the concluding para observed as under:-

"..... It is also a fact that the seniority list which is published is completely provisional and as per the affidavit-in-reply on behalf of respondent no.1, it is clear that representation submitted by the petitioner and others will be considered and the seniority list will be finalised on consideration of the representation so made. So, it will still be open to the petitioner to press before the Government his own view points. But on the consideration of the available material before me, I have to hold that there is no substance in the petition and the petition deserves to be dismissed."

Thus, it is very clear that on the basis of the material available on record, the petition is disposed of. An opportunity is given to the appellant petitioner to make a representation even after final list is published. It is always open to the appellant to approach competent authority for correcting the select list. In view of this, we think that this appeal is not required to be entertained further. Hence, appeal is dismissed with no orders as to costs.

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